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Paper No. 10

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WASHINGTON DC 20005

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JUN 11 2003

OFFICE OF PETITIONS

In re reissue Application of

Brown, et al.

Application No. 10/086,920

Filed: March 1, 2002

Attorney Docket No. 06912.0188-00000

DECISION ACCORDING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a),  
filed June 4, 2003.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified reissue application was filed on March 1, 2002,  
without an oath or declaration. Accordingly, on April 17, 2002,  
applicant was mailed a "Notice to File Missing Parts of Reissue  
Application - Filing Date Granted," requiring, *inter alia*, an executed  
oath or declaration, together with the surcharge for its late filing.  
This Notice set a two-month period for reply.

In reply, applicant filed a petition under 37 CFR 1.47(a) on November  
18, 2002, and paid the surcharge for late filing of the declaration.  
To make timely this reply, applicant obtained a five month extension  
of time.<sup>1</sup> Accompanying the petition was a declaration executed by  
joint inventors Steven Joseph Brown, Larry Stefan Ingram, and Neale  
Arthur Messina, but lacking a signature from joint inventor Marek  
Tarczynski.

However, the 37 CFR 1.47(a) petition was dismissed in a decision  
mailed on April 8, 2003. Rule 47 applicant did not submit a  
declaration in compliance with 37 CFR 1.63 because the declaration  
contained an uninitialized alteration to the address of Messina.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the  
non-signing inventor cannot be reached or refuses to sign the oath or  
declaration after having been presented with the application papers  
(specification, claims, drawings, oath or declaration); (2) an  
acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the  
petition fee; and (4) a statement of the last known address of the  
non-signing inventors.

<sup>1</sup> November 17, 2002 fell on a Sunday. See 37 CFR 1.7(a).

On renewed petition, rule 47 applicant has submitted a declaration in compliance with 37 CFR 1.63. The other requirements for a grantable petition under 37 CFR 1.47(a) were previously satisfied with the petition filed on November 18, 2002. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0272.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions



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MAREK TARCZYNSKI  
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JUN 11 2003

OFFICE OF PETITIONS

In re reissue Application of :  
Steven Joseph Brown, Larry Stefan :  
Ingram, Neale Arthur Messina, Marek :  
Tarczynski : LETTER  
Application No. 10/086,920 :  
Filed: March 1, 2002 :  
Title: INFLATOR CAPABLE OF MODULATION  
AIR BAG INFLATION RATE IN A VEHICLE  
OCCUPANT RESTRAINT APPARATUS

Dear Mr. Tarczynski:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (703) 305-0272. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo  
Petitions Attorney  
Office of Petitions

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